



General Assembly

January Session, 2007

**Committee Bill No. 884**

LCO No. 3701

\*03701SB00884GAE\*

Referred to Committee on Government Administration and  
Elections

Introduced by:  
(GAE)

***AN ACT ESTABLISHING PENALTIES FOR VIOLATION OF THE  
FREEDOM OF INFORMATION ACT.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. Subdivision (2) of subsection (b) of section 1-206 of the  
2       general statutes is repealed and the following is substituted in lieu  
3       thereof (*Effective from passage*):

4       (2) In any appeal to the Freedom of Information Commission under  
5       subdivision (1) of this subsection or subsection (c) of this section, the  
6       commission may confirm the action of the agency or order the agency  
7       to provide relief that the commission, in its discretion, believes  
8       appropriate to rectify the denial of any right conferred by the Freedom  
9       of Information Act. The commission may declare null and void any  
10      action taken at any meeting which a person was denied the right to  
11      attend and may require the production or copying of any public  
12      record. In addition, upon the finding that a denial of any right created  
13      by the Freedom of Information Act was without reasonable grounds  
14      and after the custodian or other official directly responsible for the  
15      denial has been given an opportunity to be heard at a hearing

16 conducted in accordance with sections 4-176e to 4-184, inclusive, the  
17 commission may, in its discretion, impose against the custodian or  
18 other official a civil penalty of not [less than twenty dollars nor more  
19 than one thousand dollars] more than five hundred dollars for any  
20 such first denial of any right created by the Freedom of Information  
21 Act without reasonable grounds. Upon the commission's finding of a  
22 second such denial of any right created by the Freedom of Information  
23 Act without reasonable grounds, the commission shall impose a civil  
24 penalty of not less than one thousand dollars and the commission shall  
25 impose a civil penalty of not less than one thousand five hundred  
26 dollars for a finding of any such third or subsequent denial. If the  
27 commission finds that a person has taken an appeal under this  
28 subsection frivolously, without reasonable grounds and solely for the  
29 purpose of harassing the agency from which the appeal has been  
30 taken, after such person has been given an opportunity to be heard at a  
31 hearing conducted in accordance with sections 4-176e to 4-184,  
32 inclusive, the commission may, in its discretion, impose against that  
33 person a civil penalty of not less than twenty dollars nor more than  
34 one thousand dollars. The commission shall notify a person of a  
35 penalty levied against him pursuant to this subsection by written  
36 notice sent by certified or registered mail. If a person fails to pay the  
37 penalty [within] not later than thirty days [of] after receiving such  
38 notice, the superior court for the judicial district of Hartford shall, on  
39 application of the commission, issue an order requiring the person to  
40 pay the penalty imposed. If the executive director of the commission  
41 has reason to believe an appeal under subdivision (1) of this subsection  
42 or subsection (c) of this section (A) presents a claim beyond the  
43 commission's jurisdiction; (B) would perpetrate an injustice; or (C)  
44 would constitute an abuse of the commission's administrative process,  
45 the executive director shall not schedule the appeal for hearing  
46 without first seeking and obtaining leave of the commission. The  
47 commission shall provide due notice to the parties and review  
48 affidavits and written argument that the parties may submit and grant  
49 or deny such leave summarily at its next regular meeting. The

50 commission shall grant such leave unless it finds that the appeal: (i)  
 51 Does not present a claim within the commission's jurisdiction; (ii)  
 52 would perpetrate an injustice; or (iii) would constitute an abuse of the  
 53 commission's administrative process. Any party aggrieved by the  
 54 commission's denial of such leave may apply to the superior court for  
 55 the judicial district of Hartford, [within] not later than fifteen days [of]  
 56 after the commission meeting at which such leave was denied, for an  
 57 order requiring the commission to hear such appeal.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	1-206(b)(2)
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**Statement of Purpose:**

To establish mandatory civil penalties for second and subsequent violations of the Freedom of Information Act.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. DEFRONZO, 6th Dist.

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